IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10020 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NARSINGHBHAI NANABHAI

Versus

PRINCIPAL CHIEF CONSERVATOR OFFOREST

Appearance:

1. Special Civil Application No. 10020 of 1998

MR PH PATHAK for Petitioner No. 1-2

M/S PATEL ADVOCATES for Respondent No. 1

MR.PANCHOLI, ASSISTANT GOVT PLEADER for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 09/05/2005

ORAL JUDGEMENT

When the matter is called out, learned advocate for the petitioners is not present.

2. Petitioner no.1, an individual workman and Gujarat Rajya Ardhsarkari Audhyogic Karmachari Sangh, through its Branch Secretary approached this Court for certain reliefs, which are set out in para 21. The reliefs were sought for for the workmen, whose names are set out in Annexure 'A', totalling 10 in number including petitioner no.1. This Court by order dated 27.11.1998 taking into consideration the fact that the grievance of the petitioners is that they are covered under the award of the Industrial Tribunal in Reference (IT) No.386 of 1988 and despite that they are not given benefits thereof, issued rule and by way of ad interim relief directed the respondents not to discontinue all the 10 workmen whose names are mentioned in Annexure 'A'. Besides that the respondents were directed to scrutinise the records of these employees and if the respondents coming of their own to the conclusion that the workmen fulfilled necessary requirements of the award, then start giving them other benefits under the award.

The liberty was reserved to the petitioners to move for early hearing after service of the rule is effected. It was hoped that the respondents will act expeditiously, considering the fact that the grievances were long-standing one.

3. Mr.Pancholi, learned Assistant Government Pleader appearing for respondents no.2 and 3 states that he does not have any instructions to state as to whether the respondents have undertaken the exercise directed by this Court. However, he makes a statement before the Court that the respondents will undertake that exercise, if not undertaken by now, within three months from the date of receipt of this judgement and after taking into consideration all relevant aspects of the matter including the Full Bench decision of this Court in the matter of Gujarat Forest Producers, Gatherers & Forest Workers Union Vs. State of Gujarat, reported in 2004 (2) GLR 1488, will pass appropriate orders.

4. In view of the above statement this petition is disposed of with a liberty reserved to the petitioners to take recourse to the remedy available to them after the respondents pass speaking order in the matter of all 10 workmen whose names appear at Annexure 'A'. In the interest of justice the ad interim relief which was granted by this Court on 27.11.1998 not to discontinue the services of those 10 workmen is ordered to continue

for a period of four weeks after the respondents communicate their decision by Registered Post Acknowledgment Due to the individual workmen. Rule is discharged. No order as to costs.

(Ravi R. Tripathi, J.)

karim